

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

James Strickland, #271958,)	
)	C/A No. 4:07-cv-4103-GRA
Petitioner,)	
)	
v.)	ORDER
)	(Written Opinion)
Warden, Lieber Correctional Institution,)	
)	
Respondent.)	
_____)	

This matter is before the Court on Plaintiff's Motion to Reconsider this Court's Order filed February 25, 2009 which adopted the magistrate's Report and Recommendation granting summary judgment for the defendant and dismissing Petitioner's petition, pursuant to 28 U.S.C. § 2254.

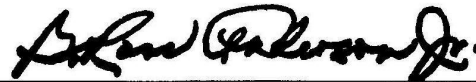
Petitioner is proceeding *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Petitioner's Motion for Reconsideration is untimely according to Federal Rule of Civil Procedure Rule 59. In addition, the plaintiff filed a notice appeal on May 13, 2009. "The filing of a notice of appeal is an event of jurisdictional significance—it

confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Consequently, this Court must deny petitioner's motion.

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration be DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", is written over a horizontal line.

G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

May 18, 2009
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.